

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LISA LYMAN,

Plaintiff,

-against-

PETSMART, INC.,

Defendant.

CIVIL ACTION

NO. 16-CV-04627[KMK/JCM]

**NOTICE OF DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT**

PLEASE TAKE NOTICE that, upon the annexed Declaration of John M. Wutz, Esq. in Support of Defendant's Motion for Summary Judgment, sworn to on the 8th day of September, 2017 and the exhibits annexed thereto, Statement of Undisputed Material Facts, dated the 8th day of September, 2017 and the accompanying Brief in Support of Defendant's Motion for Summary Judgment, dated the 8th day of September, 2017, Defendant, PetSmart, Inc., by and through its undersigned counsel, will move this Court before the Honorable Judith C. McCarthy, U.S.M.J., at the United States Courthouse located at 300 Quarropas St., White Plains, New York, 10601, on _____, 2017, at 9:30 a.m., pursuant to Federal Rules of Civil Procedure Rule 56 for an Order dismissing the Summons and Verified Complaint of Plaintiff, Lisa Lyman, dated November 20, 2015, as Defendant did not have notice, either actual or constructive, of any transient substance that allegedly existed on the floor of Defendant's premises located at 3131 East Main Street, Mohegan Lake, County of Westchester, State of New York, at any time prior to Plaintiff's alleged accident on August 25, 2014.

PLEASE TAKE FURTHER NOTICE that Defendant, PetSmart, Inc., requests oral argument on its motion.

Dated: September 8, 2017

THE CHARTWELL LAW OFFICES, LLP

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